

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE: LOWER MANHATTAN DISASTER
SITE LITIGATION

EUGENE JASTRZEBOWSKI, MARIAN
RETELSKI, AND NOEL VELEZ,

Plaintiffs,

v.

CITY OF NEW YORK, et al.,

Defendants.

21 MC 102 (AKH)

ECF Cases

Civil Action Nos. 06cv05289

10cv06868

10cv06869

NOTICE OF MOTION

PLEASE TAKE NOTICE that on a day to be determined by this Court, Plaintiffs Eugeniusz Jastrzebowski, Marian Retelski, and Noel Velez (“Plaintiffs”) together with the City of New York, Board of Education of the City of New York, the Department of Business Services, the Department of Education of the City of New York and the New York City School Construction Authority (collectively, the “City Defendants”) shall apply to the Honorable Alvin K. Hellerstein, U.S.D.J., at the Southern District of New York located at 500 Pearl Street, New York, New York, Room 14-D for an Order Dismissing **ONLY the City Defendants** from these three actions.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Plaintiffs and the City Defendants rely upon the attached *Memorandum of Law in Support of Motion for Dismissal*.

Dated: November 28, 2012

s/ James E. Tyrrell, Jr.

James E. Tyrrell, Jr. (JT 6837)

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